

Meeting of 1998-7-14 Regular Meeting

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
JULY 14, 1998 - 6:00 P.M.
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

Cecil E. Powell, Mayor Also Present:
Presiding Gil Schumpert, City Manager
 Felix Cruz, City Attorney
 Brenda Smith, City Clerk

The meeting was called to order at 6:43 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by State law.

ROLL CALL

Present: G. Wayne Smith, Ward One
 Richard Williams, Ward Two
 Jeffrey Sadler, Ward Three
John Purcell, Ward Four
 Robert Shanklin, Ward Five
 Charles P. Beller, Ward Six
 Randy Warren, Ward Eight

Absent: None.

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL MEETINGS OF JUNE 16, 23 AND 30, 1998.

MOVED by Warren, SECOND by Purcell, for approval of the Minutes. AYE: Beller, Warren, Smith, Williams, Sadler, Purcell, Shanklin. NAY: None. MOTION CARRIED.

AUDIENCE PARTICIPATION:

Allen Williams, taxi driver, 406 N 3rd Street, said they brought a petition to the Mayor a couple of months ago to ask that if there is a committee on the transportation system as far as the buses, that a member of the cab drivers group be considered. He said one of their members had accumulated a great deal of information over the last few months; her name is Karen Cook and she is a paralegal working with the cab drivers and that they had previously been led in some directions they did not need to be led. Williams said since reading tonight's agenda, he would ask that they be first on the list for the grievance committee.

BUSINESS ITEMS:

1. Consider discussing and appointing a Ward 7 Council Member. Exhibits: None.

Powell read Section 2-10 of the Charter regarding vacancies as follows: The Council, by majority vote of its remaining members, shall fill by appointment, vacancies in the office of Mayor and its own membership until successors are elected for the unexpired term of that office at the next possible municipal election. He said he was called by a coalition that he understood was made up of Patterson, Ranch Oaks and Lawton View recommending Stanley Haywood fill the vacancy, as well as a letter from Mr. Haywood requesting his appointment. Lists of signatures of support, letters of support, and James Stewarts letter requesting his appointment were reviewed. Powell said he had been advised that each Council member had received the same information and he reviewed the items separately to be sure all had been distributed. Powell said a letter had been received from Mildred Carter Rice requesting appointment, and letters were also received in support of Ms. Rices appointment. Powell said a letter had been received from Ashley Cagle expressing his desire to be appointed. He asked if there were any others and there were none.

Powell requested Council permission to allow any candidates present to speak at this time and consensus was to receive presentations.

Williams asked when the next available election might be held. Powell said it was his understanding that the next scheduled election is in March 1999 and asked Cruz. Cruz said that is correct and if the City should have a special election, such as a sales tax issue, then this could be added to that ballot, but as of right now, the next scheduled election is March 1999.

Beller said the Mayor mentioned that a coalition brought a name forward and asked who the coalition consisted of. Powell said it was his understanding that the coalition was made up of residents of Patterson, Lawton View and Ranch Oaks and that he did not attend a meeting of any coalition, and did not know how many attended. Beller said he asked the question because there was a tremendous amount of support for Mr. Stewart in the Ranch Oaks area, as well as the others, so the word coalition was confusing. Powell said he did not know how many attended the meeting. Beller suggested a time frame be considered in receiving presentations.

Powell asked that only the persons themselves who desire to fill the vacancy come forward to speak and that comments be kept within a reasonable time frame.

James Stewart, 627 SW Sedalia Place, said he was accompanied by his wife who was retired from civil service and that he had been in the City of Lawton for 36 years. He said he would like to be appointed to the Ward 7 vacancy and that he had the ability, experience and personality to be an effective council member. Stewart said he is respected in his neighborhood, perhaps not by each and every one, but he is respected in his neighborhood and all over the City. He said Lawton faces tough fiscal problems and he could join the Council in struggling to solve these problems, such as the \$62 million sewer requirement. Stewart said they should put their minds and efforts together to reach a solution.

Stewart said there are problems with crime and that he had been a minister for 42 years. He said he would like to work with young people to help them try to solve their problems and become good citizens. Stewart said there are problems with juvenile delinquents and joblessness and those who have been in trouble with the law some times have particular difficulty finding a job. He said if those persons are not helped, they will become a menace to others.

Stewart said he had obtained signatures of 100 residents of Ward 7 supporting his appointment. He reviewed his past attempts in publishing a local newspaper. Stewart said if he were to be appointed to the Council, he would attempt to solve the problems at hand and requested he be appointed.

Beller said he would like to ask questions and that he was not intending to embarrass Mr. Stewart, who he had known for many years. Stewart agreed to answer questions. Beller said Mr. Stewart had been involved with some code violations in the past and that there were 34 citations issued in the last few years and he was found guilty on 24 charges. Beller said that is something for the Council to be concerned about, as well as how Mr. Stewart would be able to work with Code Enforcement and other staff trying to enforce ordinances given the citations.

Stewart said he appreciated that being brought up and that he was not embarrassed because he was a man of integrity. He said the multitude of violations grew out of two violations at two different locations, and because he did not respond immediately, the charges kept being filed. Stewart said the items were not declared a nuisance and should not have been handled in that manner. He said there were personalities involved causing it to be a tempest in a teapot, and was brought on partly by his own council person, and it was selective enforcement and prosecution. Stewart said selective enforcement and prosecution always comes heavier on the little man than anyone else. He said there were 100 places in the same shape as his but they were not considered as violations so it appeared to be arbitrary and capricious. Stewart said during the time of the controversy, residents of Ward 7 rallied to his side in the election, and the appellate court stated it did not like what it was seeing.

Mildred Carter Rice, 4614 SW I Avenue, said she had worked hard for her community through the years and would like to continue some of Ms. Greens programs that she was trying to implement. She said she would like to make the ward and its precincts a better place, as well as the entire city. Rice said there are many problems, but with teamwork and Gods help, we can accomplish plenty. She said she had worked in the community for 38 years and raised her family and would like her work to speak for her. Rice said she felt it would be good to have a female on the Council.

Stanley Haywood said he had lived in Lawton 50 years, all of his life, except for the time he was away at college. He said he was not going against Mr. Stewart or Mrs. Rice and that he was present because he cared about the City of Lawton and the residents of Ward 7. Haywood said he was a team ball player and had worked within the City for many years, works with over 200 students at ASCOG and that he was not trying to compete with others. He said he had planned to run for Ward 7 in two years when Ms. Green was thinking about resigning. Haywood said it was up to the Council to appoint someone and that he hoped they would make a good decision, and that he would like to be the one to take Ms. Greens place.

Haywood said he knew Coach Powell and that he was a team ball player, as well as some members on the Council. He asked that God bless the Council in selecting the representative.

Beller said each person should respond to their ability to devote the amount of time needed to fill this position, and that it is more than coming to the meetings on Tuesday evenings. Haywood said he is an elementary counselor and had been a public servant all his life, and time is not a problem and he could work within the system to be able to attend different meetings and it would not be a problem.

Beller asked Mr. Stewart if he could devote the necessary time and if he was retired. Stewart said he was not retired and worked every day but that he could come to a Council meeting any time, day or night, and that he was not tied down to where he could not come, and that he knew time was involved in research and various projects.

Ms. Rice said she had been here through the years and time would not be a problem for her.

Cruz said the requirements to be a council member in this particular case are that the person must be a current resident of Ward 7, must have been a registered voter in Ward 7 for the past six months, and must not have been convicted of a felony. He said if any candidate does not meet the requirements, they should so state at this time and no one responded to having a problem in this regard.

Powell asked if there were any other persons who wished to fill the vacancy that wished to speak and there were none.

Shanklin asked if the Council would go into executive session to discuss this and Cruz said no. Beller asked if a decision had to be made tonight or if it could be discussed further. Powell said he had not received direction that it had to be done now and that it was the Council's decision. Beller said he had received a number of calls from people saying they wanted to participate in the appointment process, and if a screening committee could be used or a few days be given to allow members to think about this important appointment. Beller suggested it be tabled to allow it to be looked into in more depth.

Williams said since the passing of Ms. Green, this had been on the minds of all of the members, who might take over the responsibility for Ward 7. He said he would hate to continue on without allowing representation for the ward and that he did not favor delaying the decision.

Purcell said he agreed with Williams' comments and that all the members wished they did not have this responsibility, but that it should be taken care of. He said he had received telephone calls and the information the Mayor spoke about tonight.

MOVED by Purcell, SECOND by Williams, to appoint Stanley Haywood to fill the Ward 7 Council position.

Beller said he would like to offer a substitute motion based on the amount of support that was shown in the community.

SUBSTITUTE MOTION by Beller, SECOND by Shanklin, to nominate James Stewart to be the Council Representative from Ward 7.

Shanklin said Council would be looking at an election some time in September or October if they do their job properly, or at least some time before November.

VOTE ON SUBSTITUTE MOTION FOR STEWART: AYE: Beller, Shanklin. NAY: Warren, Smith, Williams, Sadler, Purcell. SUBSTITUTE MOTION FAILED.

VOTE ON ORIGINAL MOTION FOR HAYWOOD: AYE: Warren, Smith, Williams, Sadler, Purcell, Beller, Shanklin. NAY: None. MOTION CARRIED.

Powell asked Cruz to comment. Cruz said Mr. Haywood has been voted in as the representative for Ward 7 and Judge Harris is present and available to render the oath of office if Council so desires.

Williams asked if the Ward 7 member would be voted on at the next election, whether it be special or regular. Cruz said the Charter provides that it will be at the next municipal election; the next municipal election that we know of right now would be March 1999; however, if you do have a municipal election on a tax issue, for example, then this office will be up for election. Powell said the Charter says the next municipal election.

At this time, Judge Harris administered the oath of office to Mr. Haywood. The Mayor and Council welcomed Haywood, who was seated at this time and participated in the balance of the meeting. The Mayor expressed appreciation to Mr. Stewart, Ms. Rice and Mr. Cagle, as well as the citizens who supported candidates.

Roll was called to indicate Mr. Haywood's presence and membership.

2. Hold a public hearing and adopt resolution declaring the structure at 1606 SW D Avenue to be dilapidated and detrimental to the health and safety of the community, authorize the expenditure of CDBG funds, if necessary, to demolish the structure. Exhibits: Res. No. 98-115.

Dan Tucker, Code Administration Director, said this structure was previously condemned by City Council on May 26, 1998. On May 28, Code Administration was contacted by Merchant Farmers Bank in Rush Springs indicating they had an interest in the property and a note against it, and that the City had failed to provide notice to them, which was correct; notice was not provided and their interest was not noticed in the research of the records, though they were the mortgage holder. On June 23, Council, therefore, rescinded the order to condemn the structure and allow for proper notice to be served, which has now been done.

Video of the property taken this morning was presented. It is boarded up, has been boarded up in the past, and some of the windows and the back door are open and unsecured, and have been in that condition for some time. Foundation has eroded; interior was damaged by water leaks as well as vandalism. An accessory structure is also open, as well as a storm shelter. All three structures on the property are open and accessible.

Williams asked if a response had been received from the mortgage company. Tucker said when the mortgage company

called on May 28 they said they had learned of this through an inquiry from Mr. Warner wanting to buy the property from them and there has been no further communication from them.

PUBLIC HEARING OPENED. No one appeared to speak.
PUBLIC HEARING CLOSED.

MOVED by Shanklin, SECOND by Purcell, to adopt Resolution No. 98-115. AYE: Williams, Sadler, Purcell, Shanklin, Beller, Haywood, Warren, Smith. NAY: None. MOTION CARRIED.

(Title only) Resolution No. 98-115

A resolution determining a certain structure to be dilapidated and detrimental to the health, benefit, and welfare of the community, and ordering that said structure be brought up to the City's building codes standard or that said building be demolished and removed.

3. Consider adopting a resolution rescinding Resolution No. 98-65 condemning the structure at 1302 NW 21st Street, Lawton, Oklahoma. Exhibits: Resolution No. 98-116.

Tucker said the property was condemned on April 28. Property is vacant. Contact has been made by an individual who is in the process of acquiring this property to develop and letters were received from the investor and realtor that they would like to have the structure remain boarded and secured until January, at which time the property will change hands.

Powell asked for staff's recommendation. Tucker said the property was first brought to Council because it stood open and unsecured; it is not in danger of eminent collapse, and if it remains secured, cleaned and mowed, it would not be an immediate hazard. Tucker said the immediate hazard was it being open and available to transients. Powell asked if it is being mowed and Tucker said yes. Smith said it is being maintained and secured.

MOVED by Smith, SECOND by Purcell, to adopt Resolution No. 98-116 rescinding Resolution No. 98-65 condemning the structure at 1302 NW 21st, and adopt Resolution No. 98-116. AYE: Sadler, Purcell, Shanklin, Beller, Haywood, Smith, Williams. NAY: Warren. MOTION CARRIED.

(Title only) Resolution No. 98-116

A resolution rescinding Resolution 98-65 condemning the structure at 1302 NW 21st Street, Lawton, Oklahoma.

4. Consider suspending Rule 5E of the Council's Rules of Procedures, and if suspended, consider rescinding Resolution No. 98-90 condemning the structure at 1304 NW 21st Street, Lawton, Oklahoma. Exhibits: Resolution No. 98-117.

MOVED by Smith, SECOND by Sadler, to suspend Rule 5E of Council's Rules of Procedure. AYE: Shanklin, Beller, Smith, Williams, Sadler. NAY: Purcell, Warren. ABSTAIN: Haywood.

Cruz reviewed applicable rules and indicated five affirmative votes were sufficient for the motion to pass.

Beller requested a point of order and said his reading of the Council's Rules of Procedure made no provision to abstain unless there is a personal conflict of interest, and asked if an abstention was permissible. Cruz said the City Charter provides that a member may abstain and that an abstention vote does not count as a yes or a no. Beller said he understood the reason for the abstention vote. Warren said members can no longer pass. Cruz said if a member passes during roll call, his name would be called again at the end of the roll call and he would have another chance to vote yes, no or abstain. Purcell said it was his understanding that the pass provision was removed from the Council Policy.

Powell asked Council to consider the resolution included in the item under discussion.

MOVED by Smith, SECOND by Sadler, to approve Resolution No. 98-117. AYE: Shanklin, Beller, Haywood, Smith, Williams, Sadler, Purcell. NAY: Warren. MOTION CARRIED.

(Title only) Resolution No. 98-117

A resolution rescinding Resolution 98-90 condemning the structure at 1304 NW 21st Street, Lawton, Oklahoma.

5. Consider adopting a joint resolution with the Board of County Commissioners of Comanche County, Oklahoma, rescinding Resolution No. 97-151 and requesting the Oklahoma Department of Transportation to reconstruct Flower Mound Road from Lee Boulevard to Tinney Road to support the Wackenhut correctional facility. Exhibits: Resolution No. 98-118; Letter from ODOT.

Schumpert said the resolution being rescinded was a joint resolution and requested that ODOT completely fund the reconstruction project on Flower Mound Road from Lee Boulevard to Tinney Road, and it has been determined that that simply is not going to occur. He said representatives of ODOT have indicated it would be a smoother, clearer action to rescind that resolution, and pass a resolution which follows basically the industrial access funding guidelines which means the local jurisdiction provides funds for right of way, utility relocation, grading and drainage, and ODOT pays for the paving portion. Schumpert recommended adoption of the resolution.

MOVED by Purcell, SECOND by Smith, to approve Resolution No. 98-118. AYE: Haywood, Warren, Smith, Williams, Sadler,

Purcell, Shanklin, Beller. NAY: None. MOTION CARRIED.

(Title only) Resolution No. 98-118

A resolution of the Board of County Commissioners of Comanche County, Oklahoma, and the City Council of the City of Lawton, Oklahoma, rescinding Resolution No. 97-151 and requesting the Oklahoma Department of Transportation to reconstruct Flower Mound Road between Lee Boulevard and Tinney Road for industrial development.

6. Consider approving an agreement between the City and the Comanche County Board of Commissioners for the Flower Mound Road (Lee Boulevard to Bishop Road) Project, and authorizing execution of the agreement. Exhibits: Agreement.

MOVED by Shanklin, to approve the agreement between the City and the Comanche County Board of Commissioners for the Flower Mound project and authorize execution of the agreement.

Cruz said the agreement was approved by the County but it was modified from the document in the packet; it provides for the joint effort where the County will prepare the plans and specifications for the entire project, with Part A being from Lee Boulevard to Bishop Road, and the cost for that is not to exceed \$17,000 without Council approval. He said the construction phase will be approximately \$88,000 unless more is approved by the City. Cruz said the modified agreement follows the same concept but the details were changed. He said it provides that the City may contract with the engineer and for the City to put an inspector on site to inspect the City's portion of the roadway provided the inspection does not delay the rest of the project or cause additional expenses to be incurred by the county.

Sadler asked if the modified agreement is \$10,000 less than the agreement in the packet. Cruz said yes, the original agreement showed \$98,000, which included \$10,000 for the county to acquire the right of way; the revised agreement is \$88,000 for the construction but the City will acquire the right of way and temporary or permanent easements.

Shanklin asked about the engineering fees and Cruz said it would be approximately \$17,000. Shanklin said we are up to paying 22% now for engineering fees.

Purcell said utility relocation was part of this and in the original discussion, some utility lines were going to have to be relocated. He asked if the number included moving the master meter on the water line at the corner of Lee and Flower Mound to the corner of Bishop and Flower Mound. Mike Johnson, Engineering Division, said the only utility relocation costs would be for relocating the water line if it would be necessary to widen the roadway. Purcell said the water line currently runs through the ditch, and the master meter needs to be moved to the end of the City limits, as opposed to Flower Mound and Lee. Purcell said residents had been annexed and there had been discussion about running a new pipe and the size of the pipe, and asked if the meter would be moved to the proper location or only ten feet back to avoid interference with roadway construction. Johnson said he would need to look into it. Purcell said the matter needed attention. Schumpert said he thought there would not be a need for utility relocation on the City's portion of the roadway and the meter may need to be addressed separately.

Shanklin asked why the City was paying 20 or 22% in engineering fees. Johnson said it is for the survey and soil testing. Shanklin said surveying is normally included in the engineering portion, and asked Johnson if he would have charged 20% if he would have still been in private practice. Johnson said for a small project, 20% is not unreasonable and within range. Shanklin disagreed.

MOVED by Purcell, SECOND by Warren, to approve the agreement as amended. AYE: Haywood, Warren, Smith, Williams, Sadler, Purcell, Shanklin, Beller. NAY: None. MOTION CARRIED.

7. Consider establishing a Council Committee to receive citizen complaints. Exhibits: None.

Shanklin said he requested this one and pulled it and it has been brought back by the Council. He said this is an attempt to create a format where any citizen, regardless of the complaint or comment, can come through their elected officials and make those concerns known. He said an example may be where someone had filed 14 or 15 job applications and never gets called for an interview; complaints may be received concerning zoning or any other subject of interest and Council should listen.

MOVED by Shanklin, SECOND by Beller, to create this committee and the Mayor will create the format for the meetings and when they will be held.

Beller asked if Council would all meet at one time. Shanklin said the Mayor would appoint the members. Beller said he thought that was the Council's responsibility, as well as the number of members, and that the meetings would be posted. Beller asked if four members would be a good number and Shanklin said he had no problem with four, but thought three would also work. Williams asked if a citizen or two could be added. Shanklin said it is a council committee. Powell asked if it should be two council persons and two citizens.

Purcell said Council had an audience participation section at each meeting, and the Council cannot take action on certain things, such as personnel matters. He said if audience participation is not sufficient, they could have a special meeting at 5:30 every Tuesday with the entire Council and have people come forward during that 30 minute period to discuss complaints.

Shanklin said he was trying to create a format where people will feel comfortable, and coming before the Council on Tuesday night is not a comfortable position. Purcell said the Council could meet as a committee of the whole to hear complaints. Shanklin said he thought it should be on a rotating basis with three members at a time, and that he cannot attend due to the Specifications Committee meeting before Council sessions. Purcell said it could be at a time different than immediately prior to regular Council meetings and that he would support it as a committee of the whole. Warren said it could be held once a month or on an as-needed basis. Shanklin said people would have to let the Mayors office know by registered letter or signed or make it known they want to appear, or when they come in, and appear before a committee of three, and three would be enough members. Shanklin said a format is needed that will be comfortable to the citizens, and going before eight people is not comfortable and would not allow for good participation.

Williams said he had no problem if this would do any good, but a citizen is most comfortable calling his council member and discussing a problem. He said if this would make the form of government more appealing to citizens and meet their needs, he would support it. Shanklin said if no one shows up for three months it should be abandoned, but they would have been given the opportunity.

Warren said he did not want this to create an impression that something will be done just because a person shows up, and a committee of three Council members has no more influence than one Council member. He said the committee would have to bring items before the Council as a whole, and that should be understood.

Powell asked the number of members desired. Shanklin said he felt the Mayor should decide how to handle that. Powell said he did not want to decide and then be criticized for it, and that he would do it but did not want to be criticized later for the action. Purcell said it should be like any committee under the Charter where the Mayor nominates and Council approves the members, so if Council does not like the appointments, it can say no. Shanklin said he wanted the membership to be on a rotating basis. Cruz said the Charter applies to committees not of the Council, whereas, the Council Rules provide that the Mayor, on his own, or the Council, may appoint a special committee of the Council to investigate and study a particular matter in depth and make findings.

Powell said if the majority of the Council agreed, he would appoint a committee and rotate the membership. Shanklin said there could be three or four members, but if only two attended, they could listen to a person, and that avenue is not in place right now. Powell said he saw members indicating a preference for four members, and that he would appoint four members to serve for a two month period at a time, then rotate further.

MOVED by Shanklin, SECOND by Beller, to establish a council committee to receive citizen complaints. AYE: Warren, Smith, Williams, Sadler, Purcell, Shanklin, Beller, Haywood. NAY: None. MOTION CARRIED. (See clarification below)

The Mayor and Council recessed at 7:55 p.m. and reconvened at 8:06 p.m. with roll call reflecting all members present.

Powell said regarding Item 7, Beller had brought the Council Rules of Procedure to his attention, and Section 16 on Page 8 provides the Mayor may appoint a special committee to include a chairman and two other members. He said with Councils permission he would follow that provision.

8. Discuss and take action to have the City send a letter to the CEO of Bar-S Foods explaining the history of the Bar-S discharge problem and attaching copies of all written correspondence received or sent by the City. Exhibits: None.

Purcell said he requested this item and felt strongly that the CEO should be notified. He said he was sure the CEO of Bar-S knew part of what was going on through his employees, but he should be given both sides of the story or all of it. He suggested writing a letter, signed by the Mayor, to the CEO of Bar-S advising him of everything that has gone on and include copies of every piece of correspondence that the City has sent to Bar-S and every piece of correspondence Bar-S has sent to the City; leave out everything having to do with phone calls because who said what to whom does not work. Purcell said many times the boss does not know what is going on and if he sees both sides of the story he may be able to help.

MOVED by Purcell, SECOND by Smith, to direct that a letter be written to the CEO of Bar-S explaining the history of the Bar-S discharge problem and attach copies of all written correspondence received or sent by the City.

Williams asked if it was to be sent certified mail. Warren asked if anyone knew the name of the CEO. Powell said he had received correspondence with the name of Mr. Euhl and there was a question as to his position with the company. Schumpert said he understood the man was vice president when the process started and that he had been elevated to president but was not certain if he was both the CEO and the president. Purcell said he was suggesting this go to the CEO.

Shanklin asked if it was felt that this is necessary. Purcell said yes and hopefully it could be resolved. Beller said the biggest problem may be interpretation and it is conceivable the CEO may interpret certain things differently than another person. Beller said the CEO being able to look at the chronological happenings would be to the Citys advantage.

Powell said if he is charged with this task, he will ask for every piece of correspondence from the City to Bar-S and any correspondence from Bar-S to the City, ask that it be put in chronological order, and simply offer it to him as a matter of information. He said he had not given any direction in any matter and would not at this time, but would send it for the review of the CEO.

Purcell said he was not suggesting the Mayor be required to write the letter and the City Manager could do that or

someone else and the Mayor would sign it. He said the information needed to be transmitted in some manner, and the letter should say more than here it is, and some explanation should be given.

Shanklin asked if there is still a dispute in this situation. Purcell said he thought that was the case and that it would eventually be worked out, but this should have been done at the last meeting and was not so he requested the item to take a vote to send the letter and information.

Williams asked if the City had received the fines or plan or action. Cruz said the City has not received anything but a hearing is set for August 13. Beller said he felt this should be sent out as quickly as possible. Purcell said he did not include it in the motion but hoped it could be done in the next five to seven days. Beller asked how long it would take. Schumpert said a couple of days. Powell said he would be out of the state and Purcell said the Mayor Pro Tem could sign the letter.

VOTE ON MOTION: AYE: Williams, Sadler, Purcell, Shanklin, Beller, Haywood, Warren, Smith. NAY: None. MOTION CARRIED.

9. Discuss responsibilities and duties of the Mayor and City Council, and City staff. Exhibits: None.

Warren said he would read a statement and that it would not be bad to have such a discussion whenever there is a new member or Mayor or attorney possibly. He said questions had been posed to him from business people and citizens and he read the statement as follows:

Recently there have been some questions raised as to the duties and responsibilities of the Mayor and City Council. These questions have included, Who runs the City? and Who sets policy in the City of Lawton?. Because of these questions and because of recent actions by some I feel it important to discuss the way our city government works. The following are excerpts directly from the Charter of the City of Lawton:

Duties and Responsibilities of the Mayor: The mayor shall preside at meetings of the city council, and shall prepare and propose agenda for council meetings. He shall be recognized as head of the city government for all ceremonial purposes and by the governor for the purpose of military law. He shall have no administrative duties except that he shall sign such written obligations of the city as the council may require.

Duties and Responsibilities of the Council: Except as otherwise provided in the Charter, all powers of the city, including the determination of all matters of policy, are vested in the council as indicated herein.

Duties and Responsibilities of the City Manager: The city manager shall be the chief administrative officer and head of the administrative branch of the city government. He shall execute the laws and ordinances and administer the government of the city, and shall be responsible therefor to the council. He shall supervise and control, directly or indirectly, all administrative departments, agencies and employees.

Except for the purpose of inquiry, the mayor, the council and its members shall deal with the administrative service solely through the city manager; and neither the mayor, the council, nor any member thereof may give orders on administrative matters to any subordinate of the city manager either publicly or privately. Thus ends my quotes from the Charter.

It is very clear from reading the charter that the mayor does not make policy, nor does he run the city. It is also very clear the council sets policy and the city manager runs the city.

In my opinion, following these guidelines set forth in the charter should not be an option, it should be the only course of action. When the council by vote or consensus directs that an event or course of action should take place, it should be the responsibility of the mayor, all members of the council and the city manager to see that said event or course of action takes place.

We may all have our personal opinions but when we act in our official capacity we all have the responsibility to move forward with the decisions of the majority of the council. When we are in the minority it may be difficult to accept the decision of council but the proper response should be that the council has spoken. The highly improper response would be to move forward with our own personal agenda disguised by our elected position while it is in opposition with the desires of the majority of the council.

If we all began working independently of one another after a vote we will lose the respect and confidence of the citizens of Lawton. Disagreements and debate are the cornerstone of the government of our country and of our great city. Unity after the vote will forever be the mortar.

Warren said he had been approached by people in the community who he thought were aware of the responsibilities, and that he came on Council, received a copy of the Charter, and felt like he was on his own, and it was difficult for a long time to know the Councils responsibility and what to stay back from.

Shanklin said he guessed he was guilty of some of that and proud of the fact that we have water towers, and not a \$60 million watermelon at SE 15th and Coombs that we could not have used and would have cost \$1 million a year to staff and we could not have sold the water that was treated. He said he got beat nine to one many times on the Southeast Water Treatment Plant but turned it around and Lawton now has water towers and has not had a problem with water pressure since then, nor any rationing, and that was because he knew the other nine people were wrong and proved it. Shanklin

said if someone is out voted six to two, that does not mean that the six were right.

Warren said his meaning was that a persons own agenda should always remain the same, but the professional, political or council position should be to travel in the direction Council voted until such time as the group votes to go a different way. Shanklin asked if there were any specifics in the last two years and that he had heard the mayor and many people in rank and file say this was possibly the best council that had ever been assembled as far as having issues but leaving friendly.

Beller said those actions do not usurp the Charter and what is being discussed here is when some of them maneuver down the corridors of City Hall and into the offices of staff and try to make recommendations on an individual basis. Shanklin said he was not guilty of that and asked who was. Beller said the guilty person should put the shoe on, whoever it may be, but it specifically says except for the purpose of inquiry, the mayor and council members shall deal with administrative service solely through the City Manager, who happens to be Gil Schumpert, and neither the mayor nor any council member may give orders either publicly or privately. Beller said when we suggest to a staff member we would like for them to do something, that is usurping the Charter and some may have been guilty of it, and if so, they should change their order of doing business, and if not, there is no problem. Beller said some council members are in City Hall every day, and some once a week, and that he had no problem with council members wanting to get information and if you do not, you cannot make a knowledgeable decision. Beller said it is permissible to come to City Hall and ask questions, and there are times council does not inquire enough.

Beller said Warrens point was that council members should go through the City Manager if there is something they need to talk to staff about. Shanklin asked who had not been doing that. Warren said he was not laying blame. Shanklin said Haywood would get a copy of the Charter, and that he had been given one 12 years ago, but that does not mean that because the City Manager refuses to act on a half a dozen things he asked for that he would go home and lay down and quit. Warren said that is right and he was not laying blame on anyone, but the point is if a member asks the City Manager to do something and he refuses, the course of action would be to agenda an item and the Council, either in open or executive session, would settle the problem. Warren said if everyone is not together in the mission, they would not get where they were going. Shanklin said he had nothing to do with Council terminating the City Manager.

Purcell said he had received comments in the last couple of months, and inquiries are one thing but directing a staff member to do something is different. He said he felt the discussion had been adequate. Shanklin said he did not think it was called for, personally. Purcell said council should deal with things through the City Manager and if it is not done satisfactorily, it is brought to Council to direct the City Manager to fix the problem.

Beller said he was in City Hall and a lady was throwing a fit in the water department, and she came down the hall and got the attention of himself and Purcell. He said they attempted to try to listen to her problems but the lady was not listening to them and wanted to talk to the Mayor and thought the Mayor would straighten it out and get action. Beller said he told the lady the Mayor did not run the City of Lawton, the City Council does, so the perception is if a person walks into the Mayors office, regardless of who the Mayor is, that the Mayor can perform miracles. He said business must be done in an orderly fashion and go through the City Managers office. Beller said the lady was using profanity and was out of order in his opinion. He said there is a perception that is incorrect and that was the point.

Cruz said an additional duty of the Mayor listed in the Charter is to nominate members to committees.

Powell said for clarification, his position is that he will yesterday, today and forever, as long as he was Mayor, represent every citizen in the Lawton-Fort Sill community without prejudice. He said if any part of this was directed toward him, he wished it had not been because all he had done was try to make this a better place since he had been here and that he would continue to do so. Powell said the shoe does not fit him and he would not wear it. Shanklin said he had been there, and there are too many things that come through and by the time the Council gets together, it may cost \$50,000 or someone get fired for no reason. Beller said if that be the case, the Mayor better bring it to the Council and he felt he spoke for the majority of the members; it is not the Mayors job to make decisions as Shanklin just suggested. Shanklin said he can make a decision at that time. Beller said he cannot become involved in administrative matters and if he does, he should be recalled and you cannot just bestow all those powers on the Mayor. Shanklin said the previous Mayor ran the City and staff would ask if the Mayor had seen certain things. Beller said he had heard that. Shanklin asked why he did not do his Council duty at that time then and point out that the Mayor had no authority. Beller said being the Mayor is a ceremonial post and it requires time, and at this time we should talk about how much time it takes to be Mayor. Shanklin said it takes his input.

Powell said since he had taken office on May 4 he had made over 100 public appearances at peoples request. He said he hardly knew where he lived any more and that it does take an awful lot of time. Powell said people usually come by who have concerns and that he would listen to them. He said he was a big fan of mediation versus litigation. Powell said he listened to a lady and her daughter about a water bill and the lady was crying. He said Mr. Carson could verify that he gave him no order and that he did not have the power and was smart enough to realize that, but he had enough listening ability to take the lady down, ask permission to go into Mr. Carsons office with the lady and her daughter, and Mr. Carson did not make an adjustment but came within \$14 of how much the people had and got their water back on for them. Powell said he asked for no privileges of any kind and would never ask staff for that.

Beller asked if that was an administrative action on the Mayors part. Powell said it was courtesy on the part of the Mayor. Beller said he would consider it to be an administrative action, and the Mayor should have walked over to the City Managers office. Shanklin said what if he was not there. Beller asked the Mayor to tell Shanklin that he had the floor. Beller said it was an administrative action. Powell said he returned about 15 telephone calls today and asked if each of

them should be referred to the City Manager. Beller said no. Shanklin said he would start. Beller said the City Manager is the chief administrative officer. Powell said he did not provoke any action. Beller said the Mayor provoked action when he walked down to the water office. Powell said he was being a good samaritan walking down to the water office with the lady. Beller said Powell is the Mayor. Powell said he understood that and understood his role and was doing his best to fulfill it. Powell suggested Carson be asked if he was given a directive, or even suggested one, and that he did not.

Shanklin said the \$800 a month given to the Mayor will not cover the numbers of destitute people who come to see him, and taking a couple with five children with no money in to see the City Manager, who may not be in the office, does no good and the Council seems to expect the Mayor to just leave the problem. He said it seemed some Council members had a personal agenda.

Beller said he agreed with the Mayor that there are places to talk about things, and he related a story where Powell had tracked a person down because of theft of gasoline from his store and ended up providing the person financial assistance. He said Powell is a benevolent person and that was not his point at all; when it comes to administrative actions, they should go through the City Managers office and they should not all be out seeking a personal agenda.

Powell said he would like to move on to Item 10 with Council permission and this was agreeable.

10. Consider authorizing application for a Department of Justice grant and authorizing the Mayor to appoint a committee as required by the grant conditions. Exhibits: Letter.

Schumpert said this is a grant from the Department of Justice for \$285,639; cash match of \$31,938 is required. He said these had been sent forward in the past without identifying appropriation for the Citys cash match, and that is not possible in this years budget. Suggested funding source for the cash match is Council Contingency.

MOVED by Shanklin, SECOND by Purcell, to authorize the \$31,938 to come out of Council Contingency and authorize the application and authorizing the Mayor to appoint the committee. AYE: Sadler, Purcell, Shanklin, Beller, Haywood, Warren, Smith, Williams. NAY: None. MOTION CARRIED.

11. Consider taking action and disposing of public surplus parks and open space areas. Exhibits: Park Map; List of Parks; List of Parks and Open Space to be disposed of.

Dick Huck, Parks & Recreation Director, said Park 46 should be Section C instead of B. Beller said the list shows Toby Morris Park as 46. Huck said Toby Morris Park has three parts shown as A, B and C and the proposal is to include A and C rather than A and B. Huck said Item 30 is the Wilson Park, and there have been calls and correspondence requesting it remain; recommendation was to delete it from consideration at this time as it has been adopted by a neighborhood organization and contains improvements.

Purcell asked if Tomlinson was where the tennis courts were located. Huck said there are two parts to the 38th Street location; Greer Park contains the tennis courts, immediately south there is a privately owned property, then the park begins about 300 feet further to the south. Huck said there is adequate land at Greer Park for the activities and disposal of the park area to the south is recommended.

Powell said some show recommended action is to return to donor; he asked what happens if the donor does not want it returned. Shanklin asked if it had to be returned. Cruz said some were given with a reversionary clause that if it is not used as a park that it will revert to the donor, and that should be followed. Powell asked if the donor could issue a quit claim to the City and Cruz said yes, they could donate it in fee simple. Huck said some require use as a park and some require only public use.

Beller said it could be a legal nightmare for the staff considering the number of people who donated property and are now deceased. Cruz said they had looked into the grants of dedication but had not looked into the time or expense of locating the donors. Cruz said it would require legal notices to the donors or heirs, which would involve some time and expense.

Beller asked if it would be feasible to place signs on the parks telling those who live in the neighborhoods that the City intends to dispose of the property and if a neighborhood association disagrees, that could be brought forward. Powell agreed that would be helpful and that he had received a call from the person at 2112 Columbia about a park in his neighborhood. Huck said signs or public notices could be used to receive public input. Council agreed signs should be put up and Cruz said it may take 30 days to get the signs up.

MOVED by Beller, SECOND by Warren, to table this for 90 days. AYE: Purcell, Beller, Haywood, Warren, Smith, Williams, Sadler. NAY: Shanklin. MOTION CARRIED.

12. Consider accepting donation of \$5,063.83 toward the construction of a pavilion from the Lawton Lakes Association and authorizing the Mayor to sign letter of acceptance. Exhibits: Letter of Acceptance, dated May 26, 1998; Location Map; Economic Impact Status.

MOVED by Purcell, SECOND by Smith, to accept the donation of \$5,063.83 toward the construction of a pavilion from the Lawton Lakes Association and authorizing the Mayor to sign letter of acceptance. AYE: Shanklin, Beller, Haywood, Warren, Smith, Williams, Sadler, Purcell. NAY: None. MOTION CARRIED.

13. Consider adopting a resolution amending Appendix A, Schedule of Fees and Charges, Lawton City Code, 1995, setting a fee for records checks, incident reports, amending other fees, and establishing an effective date. Exhibits: Resolution No. 98-119.

MOVED by Williams, SECOND by Purcell, to adopt Resolution No. 98-119.

Smith asked if Council should establish an effective date. Cruz said the resolution provides the effective date is July 15.

VOTE ON MOTION: AYE: Beller, Haywood, Warren, Smith, Williams, Sadler, Purcell, Shanklin. NAY: None. MOTION CARRIED.

(Title only) Resolution No. 98-119

A resolution amending Appendix A, Schedule of Fees and Charges, Lawton City Code, 1995, establishing fees for certain records checks, amending other fees and establishing an effective date.

14. Consider adopting an ordinance notifying the public of the publication of Supplement No. 2 to the Lawton City Code, 1995, and declaring an emergency. Exhibits: Ord. No. 98-29.

Cruz said Supplement No. 2 consists of approximately 150 pages and it is ready for distribution. He requested the ordinance be approved and declared an emergency.

MOVED by Smith, SECOND by Williams, to approve Ordinance No. 98-29, waive reading of the ordinance, read the title only, and declare an emergency.

(Title read by Clerk) Ordinance No. 98-29

An ordinance approving Supplement No. 2 to the Lawton City Code, 1995, directing filing and notification of the publication of Supplement No. 2 to the Lawton City Code, 1995, and establishing a fee for sale of Supplement No. 2, and declaring an emergency.

VOTE ON MOTION: AYE: Haywood, Warren, Smith, Williams, Sadler, Purcell, Shanklin, Beller. NAY: None. MOTION CARRIED.

ADDENDUM:

1. Receive a briefing from staff regarding enforcement of Chapter 6 and related building codes regarding dilapidated structures, parking and various other code requirements, and take action as appropriate. Exhibits: None.

Shanklin said he requested the item to be able to understand better and that Tucker could explain what is dilapidated by State Statute, and how it is enforced through Chapter 6. He said he had been told by some staff members, and apologized for not going through the City Manager, but caught them in the hall about a certain piece of property containing five or six dwellings on one lot, and one house was fine and the other five were, in his opinion, dilapidated, and they seemed to think that if the one house had a water meter then the others did not fall under Chapter 6. Shanklin said Tucker assured him that was not correct. He asked that Tucker explain what is considered to be a dilapidated structure.

Dan Tucker, Code Administration Director, said Chapter 11 of State Statutes gives Council the authority to condemn and cause to be removed, dilapidated, unsafe structures that are a hazard to the health, safety and welfare of the general public. Under the authority of that statute, Council had adopted Chapter 6 in the Lawton City Code which deals with structures, and when in this Council's judgment, a building is so old, dilapidated or dangerous, unsafe, unsanitary or unfit for human occupation, then Council could condemn that and order the property owner to make the property in compliance, safe, fit for occupation, or remove the structure. About a year ago, one of the problems was a large number of structures that had been vacant for a very long period of time and the condition of the interior was unknown as to whether or not it had everything necessary to be fit for occupancy. The code was then modified where if the utilities had been off for a period longer than one year, it gave the staff authority to contact the owner and inspect the property; if it is habitable but empty and not a nuisance by being open or unattractive and a harborage for rodents and vermin, then it would not be brought to the Council. If we did not get into inspect or did inspect and found that it needed repairs or equipment to make it habitable, if the owner did not do that, it was brought to Council and the resolutions were modified to give the owner two weeks to obtain a permit to make it habitable and safe or to remove it.

Tucker said also through Chapter 6, the Council adopted the BOCA Existing Structures Code which contains three conditions to cause a structure to be unsafe; one is that it does not provide minimum safeguards to either warn or protect occupants of fire within the structure then it is unsafe. Another condition is if the structure contains unsafe equipment that would be a hazard to the occupants, then at that point the structure is considered unsafe. The third condition is that if it is damaged, decayed, dilapidated, unsafe or in such faulty construction or unstable foundation that the buildings partial or complete collapse is likely. Also, a structure unfit for human occupancy is where it does not provide shelter, such as not having a roof, walls, floors, has been damaged in a fire to such an extent that there is a danger of falling through; other items are lacking ventilation or illumination, sanitary or heating facilities or other essential items to make it a hazard to an occupant. These definitions are used not just for condemnations but also when inquiries are received from renters who feel a structure may be unsafe to occupy so staff checks to be sure there are adequate sanitary facilities, plumbing and

electrical, and ventilation to include windows that are not boarded up, and people living in the structure.

Tucker said Chapter 6 has also adopted the Property Maintenance Code for existing structures to where if a person fails to maintain their property, and Shanklin mentioned five buildings on a property and staff said everything was acceptable on one, there is a requirement that the other buildings be maintained. If there is rotted wood, even if the structure is not in danger of falling down and not unsafe, then we can direct that it be maintained properly. He said they had not been pushing the maintenance of property for items such as painting or a rotted board because most people tend to do as well as they can, especially when they are living in the property. Tucker said they plan to start using a different approach on maintenance of structures as far as painting, screens, and that type of thing.

Shanklin said he, and other members, had gone to the property he had described, as had Tucker, and nothing had been done and the response was it was acceptable. He said Tucker then said that was not correct and asked if it would be rectified. Tucker said yes. Shanklin said the gas line was improper and the owner cannot say it is storage, and the building has to be repaired as far as the fascia and eaves and remove the copper line because it is definitely not to code; he asked if he was correct in that assumption. Tucker said yes, and if a person wants a storage building, they must truly make it a storage building to include removing the utilities to it, the gas line being one, and close off the sewer. The owner will have to fix the rotting boards and do something with the appearance.

Purcell requested clarification regarding notifying occupants of fire. Tucker said they are normally talking about old houses, but if they go into a commercial establishment and the sprinkler system or the alarm system is not operational, then the Fire Marshal handles it, but from his department's standpoint, when you can no longer protect people from fire, then the whole building is unsafe. Purcell asked if he was talking about an individual house having fire alarms. Tucker said no, that is done only through education and information.

Purcell said when the ordinance was passed, he thought they were doing something to make the buildings safe and habitable, but several have come up where the owner fixes them on the exterior and makes them look good even though there may be deficiencies on the interior. He asked Shanklin if it was his intention to make the structures habitable as a house or what they look like from the outside. Shanklin said if a property next to yours is run down, it is devaluing your property, and some have windows boarded, rotting boards and trash everywhere, and the City should be able to make the owner clean it up. Shanklin said he did not care what was inside the house, as long as the outside is within the norm of the rest of the neighborhood. Shanklin said he was not trying to have anyone's house torn down but wanted it brought to code. Purcell said his whole point was Shanklin wanted it brought to code on the outside but that he did not care about the inside. Shanklin said he did not personally, but bringing it to code includes wiring and plumbing. Purcell said a house may look beautiful on the outside but the inside is torn up; he asked if the house should be left alone in that case. Shanklin said properties in Old Town North have been abandoned for 15 years and he was trying to clean that up. Purcell asked if Shanklin was referring to outside or inside. Shanklin said both.

Warren asked about a situation where a house is about to fall down but the owner lives in the house, can the house be condemned. He said you would not want to but at some point you become concerned for the safety of the person living in the house. Warren asked if the occupant can be required to vacate the house before it crumbles. Tucker said it can be done if the structure is in such a condition, and they would look at the ability of the owner to make the repairs, and if they are financially unable and qualify for assistance, they would be referred to Housing and Community Development. Tucker said if they refuse to apply for help or make efforts, then they would contact the Adult Protective Services Division of DHS and they have someone do interviewing as far as whether the person is capable of making such decisions and it is not mental competency for court purposes but to be sure they understand the seriousness of the situation. Tucker said if it is found the person understands, it would have to be brought to Council for a decision as to whether the person would be moved from the house and the house be demolished.

Williams asked about a house that had not been inhabited for a year and a half, there are no utilities to it, the windows are knocked out and the door kicked open, and no one knows about it until it is brought to Council as a dilapidated structure, but the owner requests the opportunity to board it up, paint it, and fix it, not to code, but to make it cosmetically appealing to the neighborhood. He asked if that was acceptable or does the owner have to make the home liveable and code worthy. Tucker said with use of the term up to code, under the Property Maintenance Code, the interior of the structure does not have to have sheet rock, the electrical has to be safe, you have to have hot water for bathing, cooking and sanitary purposes in the kitchen and adequate toilet facilities; the existing structures code allows and requires us to apply numerous standards in regard to ventilation and illumination, either natural or artificial, and heat; air conditioning at this time of year is a major concern but it is not a code requirement so when we say bring the structure up to code, we are talking about the maintenance code, not the new house code, and that is always a confusing issue.

Williams asked if the maintenance code was fairly new. Tucker said no, but BOCA has included provisions for existing structures, that if a person wants to add a room to an existing structure then that room must be brought to code and the existing may remain if it meets these standards.

Warren asked if legalities are involved when the inspectors determine work is required on a structure, and Council allows it to remain and something happens, such as the house collapsing and killing an occupant after Council knew it was not up to code. Cruz said there is an exemption under the Tort Claims Act referring to inspections so that exemption could be claimed for non-liability.

2. Consider approving an Employment Agreement between the City and Mr. John H. Vincent, Jr., as City Attorney, and

authorize the Mayor and City Clerk to execute the Employment Agreement. Exhibits: Agreement distributed separately.

MOVED by Purcell, SECOND by Warren, to approve an Employment Agreement between the City and Mr. John H. Vincent, Jr., as City Attorney, and authorize the Mayor and City Clerk to execute the Employment Agreement. AYE: Warren, Smith, Williams, Sadler, Purcell, Shanklin, Beller, Haywood. NAY: None. MOTION CARRIED.

CONSENT AGENDA:

15. Consider the following damage claims recommended for denial: Karen and Michael Zimmerman, and Tim Frye. Exhibits: Legal Opinions/Recommendations. Action: Denial of claims.

16. Consider the following damage claims recommended for approval and consider passage of the resolutions authorizing the City Attorney to file friendly suits for claims which are over \$400.00: Stephen and Lawan Cagle, and Herman and Shirley Miller. Exhibits: Legal Opinions/Recommendations.

(Title only) Resolution No. 98-120

A resolution authorizing and directing the City Attorney to assist Stephen G. and Lawan Cagle in filing a friendly suit in the District Court of Comanche County, Oklahoma, against the City of Lawton; and authorizing the City Attorney to confess judgment therein in the reduced amount of Five Hundred Twenty-Nine Dollars and 15/100s (\$529.15).

(Title only) Resolution No. 98-121

A resolution authorizing and directing the City Attorney to assist Herman R. And Shirley R. Miller in filing a friendly suit in the District Court of Comanche County, Oklahoma, against the City of Lawton; and authorizing the City Attorney to confess judgment therein in the reduced amount of Two Thousand, Three Hundred Sixty-Six Dollars and 23/100s (\$2,366.23).

17. Consider denying requests for installation of traffic control devices at the following locations: No Parking signs at 1203 SW H Avenue, and Four Way Stop signs at the intersection of SW 7th and C Avenue. Exhibits: Excerpt from 6/18/98 Traffic Commission draft minutes. Action: Deny requests.

18. Consider a resolution authorizing the installation and/or removal of traffic control devices at the following locations: Install No Parking signs at 2104 SW Washington Avenue; Install 2 Hour Parking sign for one space at #28 SW C Avenue; Install No left turns from here to signal sign in the median for westbound Lee Boulevard traffic at SE 1st and Lee Boulevard; Remove existing limited time No Parking signs along NW 53rd from Gore Boulevard to Cache Road; Install No Parking Anytime signs along NW 53rd from Gore Boulevard to Cache Road. Exhibits: Resolution No. 98-122; Excerpt 6/18/98 Traffic Commission draft minutes.

(Title only) Resolution No. 98-122

A resolution authorizing the installation and/or removal of traffic control devices at certain designated locations within the City of Lawton, Oklahoma.

19. Consider accepting Wyatt Acres Branch Library Parking Lot Project 97-23 as constructed by T & G Construction, Inc., and placing the maintenance bond into effect. Exhibits: Map. Action: Approval of item.

20. Consider approving plans and specifications for the Floyd Avenue Reconstruction Project 98-1 and authorizing staff to advertise for bids. Exhibits: Location Map. Action: Approval of item.

21. Consider approving plans and specifications for the Landfill Scale Project 98-7 and authorizing staff to advertise for bids. Exhibits: Location Map. Action: Approval of item.

22. Consider approving renewal of the agreements with the State of Oklahoma Office of Juvenile Affairs and Marie Detty Youth and Family Service Center, Inc., for the development, operation and management of a Community Intervention Center in Lawton, and authorize execution of the agreements. Exhibits: Renewal Form for Agreement with OJA; Agreement with Marie Detty for FY 1998-99. Action: Approval of item.

23. Authorize the City Manager to renew City property insurance and Boiler and Machinery insurance policies for policy year September 23, 1998 to September 22, 1999. Exhibits: Property Insurance Premium Amount Listing. Action: Authorize the City Manager to renew the property insurance and boiler and machinery policies with the Hartford Insurance Company through the agency of Towe, Hester and Irwin for the policy year September 23, 1998 through September 22, 1999. Action: Approval of item.

24. Consider awarding a contract for an appraisal of a tract of land on Bishop Road, east of Railroad Street, which contains approximately 1.67 acres located in the Southwest Quarter of Section 5, T-1-N, R-11-W. Exhibits: None. Action: Award contract to Foster Appraisal Company in the amount of \$1,000 for said appraisal.

25. Consider ratifying the action of the Lawton Water Authority authorizing the advertising for bid to lease the mineral interests for a 40 acre tract of land, a six acre tract of land, and a 324 acre tract of land located in the vicinity of Lake Ellsworth in both Caddo and Comanche Counties to the highest and best bidder. Exhibits: None. Action: Ratify approval of item.

26. Consider ratifying action of Lawton Water Authority on contract for Lake Lawtonka Recreation Sailboat Landing

Operations. Exhibits: None. Action: Ratify approval of item.

27. Consider ratifying the action of LUHA with respect to conveyance of Quit Claim Deeds to residential properties in the Urban Homesteading Program to the following parties: Monica J. Norris, 1812 NW Taft; Patricia Ann Jackson, 645 SW Arbuckle; Marsha D. Webb, 1723 NW Ferris; Rose M. Rabon, 113 NE Bell Drive. Exhibits: None. Action: Ratify approval of item.

28. Consider a proposal from the Center for Creative Living Corporation for services to senior citizens for FY 1998-99, and enter into an agreement for services. Exhibits: Letter from Center for Creative Living. Action: Approve agreement between the City and the Center for Creative Living Corporation for services to senior citizens for 1998-99 in the amount of \$13,214 and authorize execution.

29. Consider amending Council Policy 1-1, revising the format of the Out-of-Town Travel Authorization Request Form. Exhibits: Current and Proposed Out-of-Town Travel Authorization Requests. Action: Approval of item.

30. Consider entering into a contract with Mr. and Mrs. Anthony Manilla for fire protection outside the Lawton city limits, and authorize the Mayor and City Clerk to execute the contract. Exhibits: None. Action: Approval of item.

31. Consider awarding a contract for demolition of 1708 SW 13th Street. Exhibits: Vendors mailing list; bid tabulation; recommendation. Action: Award contract to Joes Backhoe.

32. Consider awarding contract for tree transplanting services. Exhibits: Vendors mailing list; bid tabulation; recommendation. Action: Award contract to Gleason Instant Tree.

33. Consider awarding contract for tractor. Exhibits: Vendors mailing list; bid tabulation; recommendation. Action: Award contract to Lawton Tractor & Lift.

34. Consider awarding contract for shotguns. Exhibits: Vendors mailing list; bid tabulation; recommendation. Action: Award contract to Phillips Police Supply.

35. Consider awarding contract for ammunition. Exhibits: Vendors mailing list; bid tabulation; recommendation. Action: Award contract to Precision Delta Corporation.

36. Consider awarding contract for refuse collection trucks. Exhibits: Vendors mailing list; bid tabulation; recommendation. Action: Award contract to Total Truck & Trailer.

ITEM 37 WAS CONSIDERED SEPARATELY AS SHOWN BELOW.

38. Consider awarding contract for sodding and grassing. Exhibits: Vendors mailing list; bid tabulation; recommendation. Action: Award contract to 4-D Garden Center.

39. Consider extending contract for Technical Support for International Festival. Exhibits: Vendors mailing list; bid tabulation; recommendation. Action: Extend contract with Journey Productions through 8/31/99 at same terms.

40. Consider extending contract for Lawton Arts & Entertainment Magazine. Exhibits: Vendors mailing list; bid tabulation; recommendation. Action: Extend contract with Color Graphics The Print Shop through 8/31/99 at same terms.

41. Mayors Appointments. Exhibits: None.
Redistricting Commission: Clifford Brady, Ward 8, Term: 7/2/98 to 7/1/2003

42. Consider approval of payroll for the period of June 29 through July 12, 1998. Exhibits: None.

Beller asked for separate consideration of Item 37.

MOVED by Shanklin, SECOND by Smith, for approval of the Consent Agenda items as recommended, with the exception of Item 37. AYE: Smith, Williams, Sadler, Purcell, Shanklin, Beller, Haywood, Warren. NAY: None. MOTION CARRIED.

37. Consider awarding contract for Employee Assistance Program. Exhibits: Vendors mailing list; proposal tabulation; recommendation. Recommended Action: Award contract to Red River Behavioral Health Services.

Beller said the recommendation is to contract with Red River Behavioral Health Services Center to provide a service to employees. He asked what an Employee Assistance Program consists of in relation to Red River, and that the firm has an office in Lawton, but what if more is needed than an office and the difference in cost. He asked what services they will provide.

Chuck Bridwell, Human Resources Director, said they provide basic counseling for any employee who has some kind of trouble. He said the program is required under law, to be able to have a drug screening program you have to have an EAP. Beller asked if this firm does the drug screening. Bridwell said no, they counsel those who have substance abuse problems and provide the treatment and counseling for those problems.

Beller said if there are 750 employees, the cost would be \$1,000 a month roughly for the service, and asked if that is presently available to employees. Bridwell said yes. Beller asked if it was presently being administered by Red River. Bridwell said no, it is presently being provided by Comanche County Memorial and the recommendation is based primarily on the cost of providing the service, which is cheaper with Red River at \$1.50 each, as opposed to \$2 each which was the proposal from Comanche County Memorial.

Bridwell said he held several conversations with the people from Red River, and the primary counselor for the program who will be providing the services is Bob Milan, who has been in this area for a long amount of time and is one of the premier counselors for psychological counseling in Lawton. He said their office is on Pershing Drive and he would meet with them tomorrow if this is approved and they had offered to provide services that might be closer to the employees, and he would explore that with them. Beller asked why it was not explored before this was done and maybe the same services or more could be available at Memorial. Bridwell said he was talking about the location of the office, and not the services to be provided.

Schumpert said if a current employee has a problem, we can offer this program to them as opposed to termination because you do not want someone operating your equipment who is impaired. He said the City has a lot of time and money invested in its employees and the program can help retain the employee. Beller asked if there are very many employees who go through the program. Bridwell said yes. Beller asked if it would be better to pay, if there are two or three a month, for individual counseling sessions. Williams said they provide marriage counseling also. Smith said it is not only for drug and alcohol abuse.

Beller asked Bridwell if he was satisfied this firm can provide the same services we were being provided by Memorial. Bridwell said he was satisfied they could provide equal or better service than we had.

MOVED by Beller, SECOND by Williams, to approve the recommended action on Item 37. AYE: Williams, Sadler, Purcell, Shanklin, Beller, Haywood, Warren, Smith. NAY: None. MOTION CARRIED.

BUSINESS ITEMS:

43. Pursuant to Section 307B4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the lawsuits styled White, et al. v. City of Lawton, et al., Cotton County District Court, Case Nos. CJ-93-19 and CJ-94-45, and, in open session, take appropriate action on said lawsuits. Exhibits: None.

44. Pursuant to Section 307B4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss a pending civil suit styled Hallco, et al. vs. City of Lawton, et al., Case No. 97-6083, in the United States Court of Appeals for the Tenth Circuit, and, City of Lawton, et al. vs. Hallco, et al., filed in Comanche County District Court, Case No. CJ-98-716. No action is required in open session. Exhibits: None.

45. Pursuant to Section 307B2, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the negotiations for a Collective Bargaining Agreement for FY 1998-1999 between the Police Union, IUPA, Local 24, and the City of Lawton, and, if appropriate, take action in open session, including action on a proposed collective bargaining agreement. Exhibits: Proposed FY 98-99 Collective Bargaining Agreement on file in City Clerks Office.

MOVED by Purcell, SECOND by Warren, to convene in executive session as shown on the agenda and recommended by the legal staff. AYE: Sadler, Purcell, Shanklin, Beller, Haywood, Warren, Smith, Williams. NAY: None. MOTION CARRIED.

The Mayor and Council convened in executive session at approximately 9:20 p.m. and reconvened in regular, open session at approximately 9:30 p.m. with roll call reflecting all members present.

Cruz reported the Mayor and Council met in executive session to discuss the items listed in the agenda. He said on Item 43 relating to the White, et al. v. The City of Lawton and the Lawton Water Authority, he would ask the Council to approve a motion containing the following elements: That the City Council acknowledges receipt of the demand letter for payment on the White money judgments, that the Council makes a determination that the money judgment in the White case is void and direct staff not to make payments on the void money judgment, and authorize the City Attorney and Mr. Robert Anderson to appeal the injunction order in the White case issued by the court.

MOVED by Shanklin, SECOND by Warren, that the City Council acknowledges receipt of the demand letter for payment on the White money judgments, that the Council makes a determination that the money judgment in the White case is void and direct staff not to make payments on the void money judgment, and authorize the City Attorney and Mr. Robert Anderson to appeal the injunction order in the White case issued by the court. AYE: Shanklin, Beller, Haywood, Warren, Smith, Williams, Sadler, Purcell. NAY: None. MOTION CARRIED.

Cruz reported on Item 44 relating to Hallco v. City of Lawton, et al, on the 10th Circuit and in the Western District and in Comanche County, no action is needed in open session.

Cruz reported on Item 45 relating to the negotiations between the City and the IUPA, Local 24, he asked the Council to approve the collective bargaining agreement for fiscal year 1998-99.

MOVED by Smith, SECOND by Shanklin, to approve the collective bargaining agreement for fiscal year 1998-99 between

IUPA, Local 24, and the City of Lawton, and authorize the Mayor and City Clerk to execute the agreement. AYE: Beller, Haywood, Warren, Smith, Williams, Sadler, Purcell, Shanklin. NAY: None. MOTION CARRIED.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER.

Beller requested a brief update since the Lakes & Lands were transferred to Public Works in the past few weeks. He said he had a lady tell him about some terrible conditions in the restrooms over the weekend. Shanklin said the lake group would meet Thursday at 4 p.m.

Purcell said police statistics for last month were distributed and every area was down except homicides. He said the police are doing an outstanding job and should be commended.

Purcell said Council received a letter concerning problems at Lake Ellsworth based on something Council passed. He said he did not realize what had been done. Smith said he planned to ask that it be considered again. Schumpert said he understood the lakes committee would look at such issues. Purcell said that was fine. Beller agreed to wait for a report from the lakes committee.

Shanklin said the Street Division crews had done an outstanding job on the 53rd Street overlay project.

Beller said traffic lights are needed to be placed in the holes which have been prepared at 67th and Compass.

Schumpert said the Wackenhut grand opening is tomorrow.

There was no further business and the meeting adjourned at 9:35 p.m.